

Remarks

The comma in claim 39 has been moved after “ejector” as required. This overcomes the claim objection.

Claims 18, 39 and 40 are rejected under 35 USC 112 as failing to comply with the enablement requirement. Claims 18, 39 and 40 are also rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter the Applicant regards as the invention.

Applicant respectfully believes that this Amendment to the claims overcomes the above-mentioned rejections. Specifically, the rejections regarding antecedent basis have been overcome. The hyphen between “slide” and “carrying” has been removed. Further wording has been added to claim 39 (from former claim 20: “having a driver element extendable in a direction toward the counter-holder and engaging a seating of the ejector sleeve”). Further, a programmable control has been clarified by adding “to control the movement of the slide” to add a more structural corporation or functional recitation. This addition is disclosed in the original description on page 2, lines 14-15 in connection with page 2, lines 22 to 26; page 3, line 1-4; and on page 7, lines 18-20.

Due to the amendments in line 8 of claim 39, the last two lines of claim 39 have been amended and adapted.

In claim 40, the amendments refer to the originally filed claim 15. Therefore, the objections to claim 40 should be overcome by this Amendment.

In regard to claim 18, we have deleted “on which...arranged”, because this feature is already disclosed in claim 39.

Claim Rejections Under 35 USC 103

Claims 18, 39 and 40 are rejected as being unpatentable over Luce, Sr., in view of Sappenfield or Engel.

None of the cited references will show an apparatus with a counter-holder having an ejector sleeve that is mounted thereon and a slide, which comprises the at least one cutting tool and an ejector, whereby the ejector comprises a driver element for engaging with a seating of said ejector sleeve. Due to the programmable control, a rational processing of a tube for the production of sleeves of different length is made possible. Further, after cutting the sleeves, the slide is positioned to an end position of the tube and the driver element of the ejector will engage into the seating of the ejector sleeve to strip off the cut sleeves.

Luce, Sr. does not show any ejector or having a driver element that engages into the seating of an ejector sleeve.

Sappenfield does not show any features referring thereto, that a driver element of an ejector engages in a seating of an ejector sleeve to strip off the cut tubular sleeves. Sappenfield's apparatus refers to trimming metallic tube, tubes or tubular articles, especially for ammunition. This specific apparatus does not belong to the kind of apparatus claimed in the invention. The invention does not provide any trimming. It is provided only for cutting sleeves of tubes.

Applicant did not find that Engel discloses any ejector. The Office Action does not cite any specific reference to where Engel discloses an ejector.

The present invention is not obvious in view of the cited prior art, and therefore, the claims should be allowable.

Wherefore further consideration and allowance of the application as amended is respectfully requested.

A three-month extension of time in which to respond to the outstanding Office Action is hereby requested. PTO-2038 authorizing credit card payment for the amount of \$510 is enclosed for the prescribed Small Entity three-month extension fee.

Respectfully submitted,



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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 15, 2006.



M. Robert Kestenbaum